

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALPHA G. MESKIMEN, #624203

VS. § CIVIL ACTION NO. 6:10cv50

DIRECTOR, TDCJ-CID

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of Petitioner's third motion to proceed *in forma pauperis*. Dkt. 13. The Report notes that the information contained in the *in forma pauperis* data sheet filed with his motion reveals that over the last six months Petitioner had monthly deposits averaging \$53.48 and an average balance of \$123.03. The Report states that the information in the application and in the *in forma pauperis* data sheet shows that Petitioner should be able to pay a filing fee of \$5 to proceed with this petition.

No objections were filed; however, on June 24, 2010, Petitioner filed a fourth application to proceed *in forma pauperis* with a data sheet certified by a law library officer. Dkt. 16. The information contained in the *in forma pauperis* data sheet reveals that Petitioner had an average balance of \$78.04 over the last six months. Review of the information in the application and in the *in forma pauperis* data sheet submitted with the fourth application shows that Petitioner should be able to pay a filing fee of \$5 to proceed with this petition.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court also finds that Petitioner's fourth motion to proceed *in forma pauperis* should be denied because a review of the information in the application and in the *in forma pauperis* data sheet shows that Petitioner should be able to pay a filing fee of \$5 to proceed with this petition. The Court therefore

ORDERS that Petitioner's third and fourth motions to proceed *in forma pauperis* (Dkts. 13 and 16) are **DENIED**; and

ORDERS Petitioner to pay the \$5.00 filing fee within thirty days of receiving this Order, to proceed with this petition. Failure to pay the \$5.00 filing fee within thirty days may result in dismissal of the petition.

SIGNED this 30th day of June, 2010.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE